

The objection to claim is overruled without prejudice because the untimeliness of a proof of claim is not ground for disallowance in a chapter 7 case, and objections based on factual assertions require an affidavit or declaration as required by E.D. Tenn. LBR 3007-1(b).



**THE RELIEF SOUGHT IN THIS ORDER IS DENIED.**

**SIGNED this 11 day of May, 2009.**

**THIS ORDER HAS BEEN ENTERED ON THE DOCKET.  
PLEASE SEE DOCKET FOR ENTRY DATE.**

**John C. Cook**  
**UNITED STATES BANKRUPTCY JUDGE**

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF TENNESSEE  
CHATTANOOGA DIVISION

In Re:

WINPAR HOSPITALITY  
CHATTANOOGA, LLC

Debtor.

~~Chapter 7~~

~~Case No. 07-11908~~

**ORDER DISALLOWING CLAIM NUMBER 18 FILED BY THE LEIB GROUP**

This matter is before the Court on the Objection to Claim Number 18, filed by The Leib Group (the “Objection”), which Objection was filed by creditors Atlantic American Capital Group, LLC, Atlantic American Corporate Group, LLC, J. Patrick Michaels, Jr., Peter H. Collins, Robert Moreyra and Bradley A. Gordon (collectively referred to hereinafter as “Atlantic American”), pursuant to 11 U.S.C. § 502(a), Federal Rule of Bankruptcy Procedure 3007, and Local Rules 3007-1 and 9013-1(h). It appears to the Court that good and sufficient notice of the Objection has been given and a reasonable opportunity to object or to be heard has been afforded

to all interested parties, yet no objection was timely filed, and that good cause has been shown in the Objection. Therefore,

It is hereby ORDERED that the Objection is sustained and the proof of claim filed by The Leib Group, Claim No. 18, is hereby DISALLOWED.

IT IS SO ORDERED.

# # #

Approved for entry,

HARWELL HOWARD HYNE  
GABBERT & MANNER, P.C.

/s/ Craig V. Gabbert, Jr.

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